

REMARKS

Claims 1-30 are pending in the application. Claims 1-30 are subject to a second restriction requirement under 35 U.S.C. § 121.

Election/Restriction under 35 U.S.C. §121

The Examiner alleged that further restriction under 35 U.S.C. § 121 is required to the invention of Groups I, II, III, IV, V, or VI, as described in the Office Action.

Applicants hereby elect with traverse the invention of Group I: “Parts of claim 1, derivatives classified in class 514, subclass 602 relating to compounds in U.S. Patents 5,633,287, 6,093,744 and 6,093,744.”

Applicants note that the invention of Group I also relates to compounds in U.S. Patent 5,491,172, as the instant specification on page 3, at line 32, discloses that U.S. Patent 5,633,287 is a divisional of U.S. Patent 5,491,172.

Applicants respectfully request clarification of the description of the invention of Group I in view of their above remark, the double recitation of “6,093,744” in the Examiner’s description of the invention of Group I, and the description of the invention of Group V, which appears to relate to the same compounds, class, and subclass as the invention of Group I.

The following claims are readable upon the elected species: Claims 1-6, 13, 15, and 30.

Applicants note that the active compounds of Claims 1-4 relate to the compounds of U.S. Patents 5,491,172 and 5,633,287 and the active compounds of Claims 5 and 6 relate to the compounds of U.S. Patent 6,093,744.

On page 3, about two thirds down on the page, of the Office Action, the Examiner requested that Applicants "submit a claim for examination purposes which includes active agents which are capable of examination . . ." Applicants hereby submit "a claim" for examination purposes that is instant Claim 4.

After Claim 4 is examined, Applicants respectfully request examination of at least related instant Claims 1, 2, and 3, as well as instant Claims 13, 15, and 30 as they relate to Claims 2-4. Applicants note on page 3 of the Office Action that further restriction may be required.

In view of the above-remarks, Applicants deem that a satisfactory response to the restriction requirement under 35 U.S.C. §121 has been made. Applicants will gladly withdraw their traverse once clarification of the invention of Group I is made.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to deposit account number 23-0455.

The undersigned would welcome a telephone call from the Examiner to discuss any matters related to this case.

Respectfully submitted,

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